

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JERRY L. CUMMINGS,

Plaintiff,

v.

FLINT POLICE DEPARTMENT, MICHAEL
TISDALE, JASON PLETCHER, and
DOUGLAS SANTIAGO,

Defendants.

Case Number 23-10514

Honorable David M. Lawson

Magistrate Judge Anthony P. Patti

**ORDER ADOPTING REPORT AND RECOMMENDATION AND
GRANTING DEFENDANTS' MOTIONS TO DISMISS**

Presently before the Court is the report issued on January 11, 2024 by Magistrate Judge Kimberly G. Altman pursuant to 28 U.S.C. § 636(b) recommending that the Court grant the defendants' motions to dismiss, dismiss Counts I, II, and III of the complaint with prejudice, and dismiss Counts IV and V without prejudice. The deadline for filing objections to the report has passed, and no objections have been filed. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the report and recommendation (ECF No. 45) is **ADOPTED**, and the defendants' motions to dismiss (ECF No. 21, 39) is **GRANTED**.

It is further **ORDERED** that Counts I, II, and III of the complaint are **DISMISSED WITH PREJUDICE**, and Counts IV and V are **DISMISSED WITHOUT PREJUDICE**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: January 6, 2024